



**NEVADA COMMISSION ON ETHICS
REPORT AND RECOMMENDATION
REGARDING JUST AND SUFFICIENT CAUSE**

REQUEST FOR OPINION NO.
07-18C

SUBJECT: GUY WELLS, MEMBER
NEVADA STATE CONTRACTORS BOARD

A. JURISDICTION:

In his capacity as a member of the Nevada State Contractors Board, Guy Wells is a public officer as defined by NRS 281.4365. As such, the Nevada Commission on Ethics has jurisdiction over this complaint.

B. INVESTIGATIVE ACTIVITIES:

- Reviewed Request for Opinion (complaint) 07-18C, received March 15, 2007 from Kent Barry, manager of Coronado Investments, LLC ("Coronado"), including (TAB B):
 - Notice of Hearing, Complaint, and Requirement to Answer, dated June 6, 2006, from the Nevada State Contractors Board ("Board") to Stephen Quinn, president of Precision Construction, Inc. ("Precision")
 - Transcript of the Board's disciplinary hearing which occurred on September 27, 2006
 - Several letters of correspondence from Mr. Barry's counsel to the Board; a letter of correspondence from Mr. Quinn's counsel to the Board
- Reviewed the following documents received from Mr. Wells by and through his attorney, Bruce Robb (TAB C):
 - Letter received March 21, 2007 stating that Mr. Wells would "waive the 45 day requirement for a hearing . ." and that Mr. Robb would prepare and submit a response on behalf of Mr. Wells
 - Response received April 27, 2007, including affidavits of Greg Mincheff, Board investigator, and George J. Lyford, director of investigations for the Board
 - *Waiver of Statutory Time Requirement* form dated April 30, 2007
 - Response to request for further information received by e-mail October 4, 2007
- Reviewed agendas and minutes for the October 20, 2005 and September 21, 2006 Board meetings and August 16, 2006 and September 27, 2006 disciplinary hearings; reviewed agenda for the October 17, 2007 disciplinary hearing (TAB D)
- Reviewed Nevada Secretary of State records relating to business entities with which Mr. Wells and Mr. Stephen P. Quinn are associated (TAB E)

C. RECOMMENDATIONS:

Based on the results of the investigation, it is recommended that the Panel find that just and sufficient cause **DOES NOT EXIST** for the Commission to hold a hearing and render an opinion in this matter relating to the following provisions of NRS Chapter 281:

- | | |
|--------------|---------------|
| ▪ 281.481(1) | ▪ 281.481(10) |
| ▪ 281.481(2) | ▪ 281.501(2) |
| ▪ 281.481(5) | ▪ 281.501(3) |
| ▪ 281.481(6) | ▪ 281.501(4) |
| ▪ 281.481(9) | |

SPECIFIC REASON:

Sufficient credible evidence does not exist to support a finding of just and sufficient cause for the Commission to hear the matter and render an opinion on whether Mr. Wells violated the provisions of NRS Chapter 281 referenced above.

D. SUMMARY OF REQUEST FOR OPINION (COMPLAINT):

The complaint alleges that Mr. Wells violated the following provisions of NRS Chapter 281: 281.481(1), 281.481(2), 281.481(5), 281.481(6), 281.481(9), 281.481(10), 281.501(2), 281.501(3) and 281.501(4). The following is the substance of the complaint:

While presiding as a hearing officer during a Board disciplinary hearing conducted on September 27, 2006, Mr. Wells disclosed that he was a long time personal friend of the respondent, Stephen P. Quinn, president of Precision. Despite his friendship with Mr. Quinn, Mr. Wells failed to recuse himself from hearing the matter.

Nothing was resolved at the hearing. Mr. Wells may have already made statements or had meetings with other board members to prevent his removal from this matter, further hindering the requester's ability to have a fair and impartial hearing on this matter.

Mr. Wells influenced the Board investigator not to disclose the outcome of the investigation, and he manipulated the system to protect his friend. His personal friendship with the respondent interfered with his responsibilities as a hearing officer.

E. SUMMARY OF SUBJECT'S RESPONSE:

A response to the complaint was received from Mr. Wells on April 27, 2007 by and through his attorney. The following is a summary of the response:

Coronado submitted a complaint against Precision to the Board. The Board scheduled the matter for a disciplinary hearing, which occurred on September 27, 2006. Mr. Wells was the designated hearing officer.

Bruce Robb, counsel for Hearing Officer Wells, began the disciplinary hearing by informing the parties involved that the hearing officer had certain disclosures to make on the record relating to his association with or knowledge of the parties. Mr. Wells disclosed that in the past he had a personal friendship with the respondent, Stephen Quinn, president of Precision. Mr. Wells also disclosed that his company had done paving work on various projects developed by the complainant, Coronado, but to his knowledge, none of those projects were the subject of this matter.

Mr. Wells asked the representatives of Precision and Coronado if there was any possibility they could resolve their dispute. The hearing was recessed to allow Coronado, Precision and their respective counsel to meet privately. When the hearing resumed, Mr. Wells was informed that the parties were not able to reach a resolution to their dispute during their private meeting.

Coronado's counsel advised Mr. Wells that Coronado had submitted an additional complaint against Precision to the Board. Acting upon the recommendations of his counsel and the Board's director of investigations, Mr. Wells terminated the hearing and ordered a continuance until such time as the Board staff completed the investigation of the additional complaint.

Thereafter, Coronado wrote a series of letters to the Board requesting that the entire Board conduct the disciplinary hearing. When that request was denied, Coronado requested that Mr. Wells recuse himself from hearing the matter.

No credible evidence was submitted to support the allegation that Mr. Wells violated NRS 281.481(1). There is no allegation that Mr. Wells received anything from anyone.

No credible evidence was submitted to support the allegation that Mr. Wells violated NRS 281.481(2). There is no evidence that Mr. Wells used his position to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, for any business entity in which he has a significant pecuniary interest, or for any person who is a member of his household, or is related to him by blood, adoption or marriage, or who employs Mr. Wells or a member of his household or with whom Mr. Wells has a substantial and continuing business relationship. Although Coronado objects to Mr. Wells acting as the hearing officer based upon his past friendship with Mr. Quinn, there is no evidence that Mr. Wells, his business, or any member of his family received any unwarranted

SUBJECT'S RESPONSE (CONTINUED)

privileges, preferences, exemptions or advantages in violation of NRS 281.481(2).

No credible evidence was submitted that supports the allegation that Mr. Wells violated NRS 281.481(5). There is no evidence that Mr. Wells acted upon information not available to the public in order to further his or anyone else's pecuniary interests.

No credible evidence was submitted that supports the allegation that Mr. Wells violated NRS 281.481(6) or NRS 281.481(9). There is no evidence that Mr. Wells suppressed any governmental report or document or attempted to influence any Board employees for his personal gain. The Board investigator stated in an affidavit that Mr. Wells had not exercised any influence over him to prevent him from disclosing the outcome of the investigation. The director of investigations for the Board stated in an affidavit that Mr. Wells had no control over the timing of the Board's disciplinary hearing.

No credible evidence was submitted that supports the allegation that Mr. Wells violated NRS 281.481(10). There is no evidence that Mr. Wells sought other employment or contracts through the use of his position as a public officer.

Mr. Wells is not a member of a county or city planning commission; therefore, NRS 281.501(3) does not apply.

No credible evidence was submitted that supports the allegation that Mr. Wells violated the provision of NRS 281.501(2) or NRS 281.501(4). There is no allegation that Mr. Wells accepted a gift or loan or that he has a pecuniary interest in the outcome of the Board's disciplinary action. Presumably, this complaint is based upon the belief that Mr. Wells' independence of judgment is affected by his commitment in a private capacity, as defined in NRS 281.501(8), to the interest of Precision or its president, Mr. Quinn. Mr. Wells disclosed his past friendship with Mr. Quinn publicly and at the commencement of the disciplinary hearing. There is no evidence that Mr. Wells is related to, employed by, or has a substantial and continuing business relationship with Precision or Mr. Quinn. To the contrary, Mr. Wells disclosed that his company had done paving on Coronado's projects. Notwithstanding his past personal friendship, there is no evidence that Mr. Wells' independence of judgment was affected by his past friendship.

In a letter to the Board dated February 16, 2007, Coronado requested the disciplinary complaint against Precision be assigned to a hearing officer other than Mr. Wells. To this point, Mr. Wells had not voted upon or advocated the passage or failure of any matter related to this complaint. This matter was then reassigned to another Board member.

SUBJECT'S RESPONSE (CONTINUED)

Mr. Wells' involvement as a hearing officer in the Board disciplinary hearing was limited to disclosing the relationships that he had with Precision and Coronado, urging the parties to try to resolve their dispute, and continuing the hearing until the Board could complete its investigation of the additional complaint. The provisions of NRS 281.501(4) do not apply, and no evidence was submitted that suggests Mr. Wells improperly received a gift or loan or had a pecuniary interest in the outcome of the disciplinary action.

Mr. Wells did not violate any of the nine statutes alleged. The allegations are not based on fact. There is no just or sufficient cause for the commission to render an opinion in this matter and the complaint should be dismissed.

In response to questions from Commission on Ethics staff seeking to further clarify his relationships with Mr. Quinn and Coronado, Mr. Wells submitted the following information:

Mr. Wells' relationship with Mr. Quinn and Precision Construction began when their children attended the same elementary school approximately 10-12 years ago. Mr. Wells' company, Wells Cargo, Inc., has been asked to bid jobs for Precision Construction but has not been awarded any projects recently. Mr. Wells attended a B.B.Q. at Mr. Quinn's home ten years ago but stated that he does not have a personal relationship with Mr. Quinn.

Mr. Wells does not have any personal knowledge of any work performed by his company for Coronado Investments. He stated for the record that his company might have done paving for Coronado by performing work as third tier subcontractor in relation to Coronado. In such a case, his company might have done paving for a customer who would have a contract with a general contractor performing work for Coronado Investments. The disclosure was made based upon this possibility.

F. RELEVANT STATUTES:

NRS 281.481 General requirements; exceptions. A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) “Commitment in a private capacity to the interests of that person” has the meaning ascribed to “commitment in a private capacity to the interests of others” in subsection 8 of NRS 281.501.¹

(b) “Unwarranted” means without justification or adequate reason.

* * * * *

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

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9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of his official position.

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NRS 281.501 Additional standards: Voting by public officers; disclosures required of public officers and employees; effect of abstention from voting on quorum; Legislators authorized to file written disclosure.

1. Except as otherwise provided in subsection 2, 3 or 4, a public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

2. Except as otherwise provided in subsection 3, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His pecuniary interest; or

(c) His commitment in a private capacity to the interests of others.²

➔ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The

^{1, 2} **NRS 281.501(8):** As used in this section, “commitment in a private capacity to the interests of others” means a commitment to a person:

(a) Who is a member of his household;

(b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;

(c) Who employs him or a member of his household;

(d) With whom he has a substantial and continuing business relationship; or

(e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.

presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His direct pecuniary interest; or

(c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity.

➤ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c) where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the direct pecuniary interest or commitment.

4. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:

(a) Regarding which he has accepted a gift or loan;

(b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or

(c) In which he has a pecuniary interest,

➤ without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise provided in subsection 6, such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to NRS 294A.120 or 294A.125 in a timely manner.

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G. RESULTS OF INVESTIGATION:

The transcript of the September 27, 2006 Board disciplinary hearing records the following:

- Mr. Robb began the disciplinary hearing by informing the parties involved in this matter that the hearing officer had certain disclosures to make on the record relating to his association with or knowledge of the parties;
- Mr. Wells disclosed his past friendship with Mr. Quinn and paving work done by his company on projects developed by Coronado;
- Mr. Wells stated that he didn't believe his past personal friendship with Mr. Quinn would "in any way hinder [his] ability to be impartial in this hearing";

RESULTS OF INVESTIGATION (CONTINUED)

- Regarding work performed by his company on Coronado projects, Mr. Wells stated that the work performed was not related to the subject of the Board's disciplinary hearing;
- After Mr. Wells' disclosures, Mr. Robb asked if any party had any objection to Mr. Wells acting as the hearing officer in this case to which Board and respondent respective counsel responded "no";
- Witnesses were sworn;
- Lengthy discussion ensued regarding the possibility of the parties agreeing to stipulations or other resolutions;
- The parties met privately during a recess of the hearing to discuss possible resolutions;
- When the hearing resumed, Mr. Wells was informed that the parties were not able to reach a resolution to their dispute during their private meeting;
- Mr. Wells was informed of an additional complaint that was filed against Precision by Coronado;
- Upon recommendation of Mr. Robb, counsel for Hearing Officer Wells, the hearing was terminated and Mr. Wells ordered a continuance until such time as the Board staff completed the investigation of the additional complaint and those complaint findings could be combined with the current matter.

The complaint was originally scheduled to be heard at the August 16, 2006 Disciplinary Hearings, but was rescheduled to be heard at the September 27, 2006 Disciplinary Hearings. The minutes of the September 27 hearing indicate "[t]his matter was continued."

On October 5, 2006, counsel for Coronado sent a letter to Board counsel expressing concern regarding Mr. Well's ability not to be influenced by his past friendship with Mr. Quinn. Counsel for Coronado also expressed his belief that Mr. Wells knew he would be hearing the matter and could have notified the parties before the day of the hearing, thus the parties would have been allowed time to consider the implications of the friendship on Mr. Well's ability to be impartial in this matter.

On December 11, 2006, counsel for Coronado sent a letter to the Board investigator discussing the discovery of additional issues and expressing a desire for the investigation to move forward so the Board can reach a final determination.

On December 26, 2006, counsel for Coronado sent a letter to Board counsel requesting a "full Board" hearing.

Counsel for Coronado sent letters dated January 11 and 29, 2007, to the Board investigator expressing a desire for a "full Board" hearing, "given the magnitude of the allegations."

On February 16, 2007, counsel for Coronado sent a letter to the Board director of investigations in response to a February 13, 2007 letter wherein the director of investigations stated that the matter would be rescheduled before Mr. Wells. Counsel for Coronado also stated that Coronado recently learned that Mr. Well's company might have also been a subcontractor to Precision on the Coronado Bay/Sahara project, which was the subject of the original complaint. Counsel reiterated his request for a full Board hearing. Alternatively, he requested that the matter be assigned to another hearing officer, other than Mr. Wells.

RESULTS OF INVESTIGATION (CONTINUED)

On February 20, 2007, counsel for Precision sent a letter to Board counsel requesting that Mr. Wells be retained as the hearing officer.

On February 26, 2007, counsel for Coronado sent a letter to the Board executive officer alleging that Mr. Wells is refusing to remove himself as hearing officer, and that he may be actively attempting to influence the Board to prevent the timely hearing of this matter. Counsel for Coronado reiterated the request for a full Board hearing, or alternatively, that the matter be assigned to another hearing officer.

In an affidavit dated April 24, 2007, the Board's investigator stated that Mr. Wells did not interfere with his investigation and has never discussed the investigation with the investigator. The investigator stated that Mr. Wells has not attempted to exercise influence over him in any way. Any delay in completing the investigation was due to Coronado's failure to provide documents requested by the investigator on a timely basis.

In an affidavit dated April 24, 2007, the Board's director of investigations described the selection process and procedures for hearing officers:

The Board selects its hearing officers for disciplinary actions on a rotational basis. The dates on which hearings will be held are generally selected in December and assigned in January at the beginning of each calendar year by the Board executive officer. The hearing dates and hearing officers for 2006 were pre-assigned in January. Board members are advised of the dates they are assigned but have no pre-knowledge, control or influence of what cases they will be assigned later in the year.

During the investigation or hearing date selection process, there is no contact with any Board member regarding any aspect of the case. Cases that are continued are re-scheduled for the same hearing officer at the next available hearing date.

The hearing officer receives the Board hearing book containing the disciplinary actions to be heard by that Board member approximately two weeks before the scheduled hearing date. Mr. Wells had been previously designated for both the August 16 and September 27, 2006 hearing dates. Mr. Wells had no involvement in the investigation or scheduling of the hearing and has recused himself from hearing this disciplinary action.

The October 20, 2005 and September 21, 2006 Board Meeting agenda and minutes verify the process of pre-assigning meeting and disciplinary hearing dates by way of an agenda item entitled "proposed meeting and disciplinary hearing schedules."

During a telephone interview on October 5, 2007, Mr. Stephen Quinn, president of Precision Construction, stated that he does not have a personal friendship or business relationship with Mr. Wells. He stated that he and Mr. Wells became acquainted through their children who attended the same school several years ago. The only business they conducted occurred twelve years ago when Mr. Wells provided some type-two material for one of Mr. Quinn's construction

RESULTS OF INVESTIGATION (CONTINUED)

projects. Mr. Quinn stated that he wanted Mr. Wells to remain as the hearing officer because he was confident that Mr. Wells would give Precision a fair hearing.

During a telephone interview on October 5, 2007, Mr. Spiridon Filios, Vice-Chair of the Board, stated that he had no knowledge of any attempt by Mr. Wells to lobby or otherwise influence the Board members regarding Mr. Wells' acting as hearing officer in this matter.

During a telephone interview on October 11, 2007, Mr. Jeffrey Guinn, member and principal of Coronado, stated that Mr. Wells should have recused himself as soon as he became aware that the complaint before the Board involved a personal friend. Mr. Wells' unwillingness to recuse himself prolonged this matter and increased Coronado's costs related to the complaint. Mr. Guinn had no specific information regarding which Board members had allegedly been lobbied by Mr. Wells to prevent his removal from the matter as hearing officer.

The disciplinary hearing for the Board's complaint against Precision was scheduled for October 17, 2007. Board member Jerry Higgins was assigned as the hearing officer.

H. CONCLUSION:

Allegations regarding NRS 281.481(1), (2) & (5):

There is no evidence that Mr. Wells:

- sought or accepted any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or
- used his position as a member of the Board to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person; or
- acquired any information that by law or practice was not available to people generally or used the information to further the pecuniary interests of himself or any other person or business entity.

The complaint suggested that Mr. Wells lobbied Board members to prevent his removal as hearing officer and to protect Mr. Quinn. The Board Vice-Chair, Spiridon Filios, stated that he had no knowledge of any attempt by Mr. Wells to lobby or otherwise influence any Board members regarding Mr. Wells' acting as hearing officer in this matter. Board investigative staff stated that Mr. Wells had no access to any information during the investigation and only received information through the established policies and procedures for disciplinary hearings. Mr. Wells reached no decisions in the matter, the disciplinary hearing was continued, and a new hearing officer was assigned.

There is no evidence that Mr. Wells is related to, employed by, or has a substantial and continuing business relationship with Precision or Mr. Quinn. Based upon information obtained during the investigation, Mr. Wells and Mr. Quinn do not currently have a personal friendship or a business relationship.

CONCLUSION (CONTINUED)

Allegations regarding NRS 281.481(6) & (9):

There is no evidence that Mr. Wells suppressed any governmental report or other document because it might tend to affect unfavorably his pecuniary interests or attempted to benefit his personal or financial interest through the influence of a subordinate.. The complaint suggests that Mr. Wells exercised influence over the Board investigator to prevent disclosure of the findings of the investigation. The Board's investigator stated that Mr. Wells did not interfere with his investigation. Any delay in completing the investigation was due to failure on the part of Coronado to timely provide documents requested by the investigator.

Allegations regarding NRS 281.481(10):

There is no evidence that Mr. Wells sought other employment or contracts through the use of his position as hearing officer in this matter.

Allegations regarding NRS 281.501(2) & (4):

There is no evidence that Mr. Wells, while acting as the hearing officer, made any decision for or against any of the parties in this matter. Immediately upon commencement of the hearing, Mr. Wells disclosed his past friendship with Mr. Quinn and the possibility that Mr. Wells' company might have performed work for Coronado. After opening remarks and swearing in the witnesses, Mr. Wells encouraged the parties to meet privately in an attempt to resolve their issues. After the parties returned to the hearing and reported that no resolution could be reached, Board investigative staff informed Mr. Wells that other matters were still being investigated relating to the parties. Mr. Wells decided to continue the matter until such time as the pending investigation would be completed and findings combined with the current complaint.

Subsequently, Mr. Wells recused himself and completely removed himself from this matter, Another Board member has been assigned as hearing officer.

Allegations regarding NRS 281.501(3):

Mr. Wells is not a member of a county or city planning commission regarding this matter; therefore, the provisions of NRS 281.501(3) do not apply.

I. RECOMMENDATIONS:

There is no credible evidence to substantiate a potential violation of the following provisions of NRS Chapter 281: 281.481(1), 281.481(2), 281.481(5), 281.481(6), 281.481(9), 281.481(10), 281.501(2), 281.501(3) or 281.501(4). Accordingly, it is recommended that the panel find just and sufficient cause **DOES NOT EXIST** for the Commission to hold a hearing and render an opinion regarding whether Mr. Wells violated the provisions of NRS Chapter 281 referenced above regarding his conduct related to the Nevada State Contractors Board disciplinary meeting held on September 27, 2006.

PREPARED BY: Matt C. DiOrio DATED: 10/11/07
MATT C. DI ORIO
SENIOR INVESTIGATOR